

North Carolina DEMLR Response to Comments and Summary of Changes to NPDES Stormwater draft General Permit NCG150000 (2014 Renewal)

Background

NPDES Stormwater General Permit NCG150000, which regulates stormwater discharges from airports expired on August 31, 2014. The North Carolina Division of Energy, Mineral, and Land Resources (DEMLR) posted the draft General Permit and the supporting Fact Sheet on the Stormwater Permitting Program website beginning June 4, 2014. We announced in selected newspapers across the state on or before June 10, 2014 that the draft of the proposed revised General Permit was available on our website for public comment. DEMLR also ran this notice in the June 16, 2014 issue of the North Carolina Register.

The public comment period closed on August 13, 2014 (58 days), consistent with the regulatory minimum duration of 30 days.

For most General Permits, DEMLR revises and reissues our NPDES stormwater General Permits on a five-year schedule. Every five years we solicit public comment, especially from the particular regulated industry sector; we review analytical data from the previous five-year term of the permits; we evaluate identified compliance problems and problems in our enforcement of the permits as may be reported by our Regional Office inspectors; and we seek to improve the effectiveness of the permits as stormwater management tools for the permittees.

As required by agreement with EPA, DEMLR sent the proposed General Permit to EPA Region IV staff in Atlanta on May 28, 2014 for the agency's review. On July 29, 2014, EPA Region IV responded that the agency had no comments on it. EPA's additional review and approval would be necessary if the proposed final General Permit incorporated significant changes from the published draft version, or if significant public comments objecting to the permit were received. DEMLR concluded that neither of these criteria was met, and therefore further EPA review before final issuance was not required.

DEMLR routinely prepares this summary document both for those that submit written comments on the draft General Permits, as well as for other interested parties. This document will be posted on our website for public access.

Comments and Responses

DEMLR received no public comments on the proposed draft General Permit NCG150000 during the public comment period mandated by North Carolina rules.

However, in 2013 DEMLR did receive public comments on five other General Permits covering five other regulated industrial sectors. For the sake of a consistent regulatory approach across multiple industry sectors, several of those comments received on the 2013 General Permits have been incorporated into the revised NCG15.

Summary of Significant Changes from the draft General Permit

There were no public comments received during the public comment period, and no significant changes to the published draft General Permit.

Summary of Significant Changes from the Previous General Permit

1. While the Stormwater Permitting Program typically issues General Permits for a five-year term, **the 2014 renewal of NCG15 is for a three-year term (expiration date 8/31/2017)**. We are attempting to level the workload requirements on our staff by moving the next renewal of NCG15 into a calendar year with fewer General Permit renewals. We expect to resume the 5-year cycle for NCG15 thereafter.
2. The following minor changes appear throughout the revised General Permit:
 - a. Minor word changes, format changes, and sequencing of paragraphs;
 - b. Table of Contents reflects minor re-ordering of some sections;
 - c. Reference now to the **Division of Energy, Mineral, and Land Resources** as the permitting authority, rather than the Division of Water Quality.
3. Part I, Section B now provides that **the permittee's Certificate of Coverage is an enforceable part of the General Permit**.
4. Part II, Section A, paragraph 2h now requires that the facility site map show **whether the site drains to 303(d) impaired water and whether a TMDL pertains** to the receiving water.
5. Part II, Section A, paragraph 2k notes that elements of an oil SPCC may be referenced as part of the SPPP.
6. Part II, Section A, paragraph 2p **clarifies that annual employee and tenant training must be documented by the signature of the trained individual**.
7. Part II, Section A, paragraph 2r **now requires semi-annual inspections of the stormwater control system**.
8. Part II, Section B **requires visual monitoring during a measureable storm event** (new term) rather than a representative storm event (old term.) This revised monitoring condition should make it easier for permittees to conduct visual monitoring.
9. Part II, Section B lists the range of DEMLR actions under the permit if the permittee repeatedly fails to respond to problems noted in the visual monitoring.
10. The Standard Conditions in old Parts III – VI have been reorganized to be consistent with other NPDES permits Standard Conditions. All newly re-issued General Permits are being written to include the elements of the new Standard Conditions. Most of the provisions are unchanged. However, some significant changes include:
 - a. Part III Section A, paragraph 1 clarifies SPPP compliance requirements for

existing facilities applying for renewal.

- b. Federal and state law and rule citations have been added for reference in several of the paragraphs throughout the Standard Conditions.
- c. Part III, Section B, paragraph 1 **no longer requires the permittee to submit a renewal application within 180 days of permit expiration.**
- d. Part III, Sections B and E provide new standard conditions related to the **anticipated roll-out of on-line electronic reports and electronic records.**

Conclusion

DEMLR's overall intent in proposing changes to the General Permit was to provide permit requirements that will encourage permittees to respond with prompt corrective action to the discovery of pollutant discharges indicated by visual observations. DEMLR incorporated public comments on other recent (2013) draft General Permits where we agreed that the comments were helpful and relevant to NCG15.

END